

SENATE BILL 1548

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 62,
Chapter 21, Part 1, relative to termite service
agreements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-21-102, is amended by adding the following as a new, appropriately designated subdivision:

() "Termite warranty without initial treatment" means any agreement entered into between a chartered commercial pest control operator and any other person or entity for the purpose of termite prevention or control for any structure or building, regardless of any initial chemical application for prevention or control to the property.

SECTION 2. Tennessee Code Annotated, Section 62-21-114, is amended by deleting subsection (b) in its entirety and by adding the following language as a new subsection (b):

(b)

(1) No person or business entity may enter into an agreement to provide services for termite prevention, control or a termite warranty without initial treatment unless properly chartered as a commercial pest control operator pursuant to § 62-21-103.

(2) Notwithstanding any provision of this chapter or any other law to the contrary, a chartered commercial pest control operator may enter into an agreement to provide ongoing services for a termite warranty without initial treatment for any structure or building regardless of any initial chemical application for prevention or control of termites of any such structure or building.

(3) Prior to entering into a termite warranty without initial treatment agreement with any person or entity under subsection (b), the chartered commercial pest control operator must conduct an initial inspection and issue an initial report that includes:

(A) A graph or diagram of the property where any visible damage or infestation, if any, is located;

(B) A written description of the type of damage, if any; and

(C) The date of the initial inspection report.

(4) The commissioner shall, subject to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, promulgate all necessary rules and regulations, consistent with this chapter.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.